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RESPONSE AFTER FINAL  
EXPEDITED PROCEDURE GROUP 3635

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application

Bernard Paul Joseph THIERS

Examiner: Kevin McDermott

Serial Number: 09/805,234

Group Art Unit: 3635

Filed: March 14, 2001

Attorney Docket: THIE3001/JEK

For: FLOOR COVERING

HAND CARRY - GROUP 3635

COMMUNICATION AND NOTICE OF APPEAL AND REQUEST FOR REFUND

Commissioner for Patents  
Washington, D.C. 20231

Sir:

COMMUNICATION

A response to the Official Action dated October 30, 2002 was filed by hand carry on April 10, 2003 with payment of the requisite extension fee. A review of the application status on PAIR on April 25, 2003 and a telephone status inquiry made today indicate that the response filed on April 10, 2003 was not received. As suggested by Examiner McDermott, a copy of the papers as-filed on April 10, 2003, along with a true copy of the receipt card stamped "Received Technology Center 3600" by the U.S. PTO is enclosed, as it appears that the response was lost by the Office after filing.

NOTICE OF APPEAL

05/06/2003 10:00 AM 00000001 00000004  
To preserve Applicant's rights in view of the lost papers, Applicant hereby  
appeals to the Board of Appeals from the decision dated October 30, 2003 of the  
Primary Examiner finally rejecting claims: 1, 3, 4, 6-12, 14-18, and 20-22. The Appeal  
fee of \$320.00 is enclosed.

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TECHNOLOGY CENTER 3600  
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RECEIVED  
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Serial Number: 09/805,234

**REQUEST FOR REFUND**

As it appears that this appeal notice resulted from the loss of the response filed April 10, 2003 within the Office, a full refund of the Notice of Appeal fee is requested.

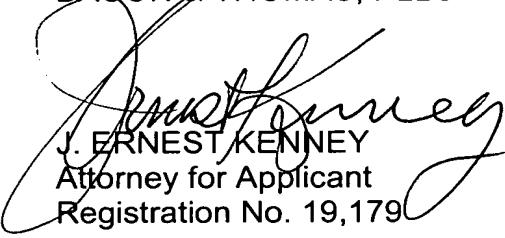
Please credit such refund to Deposit Account Number 02-0200.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to **Deposit Account Number 02-0200.**

Reconsideration of the application under 37 C.F.R. §1.116 is respectfully requested.

Respectfully submitted,

BACON & THOMAS, PLLC



J. ERNEST KENNEY  
Attorney for Applicant  
Registration No. 19,179

Date: April 29, 2003

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